

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**FILED UNDER SEAL**

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 13-10200-GAO
	)	
DZHOKHAR TSARNAEV	)	

**EMERGENCY MOTION TO PROHIBIT RETURN OF  
PENALTY PHASE WITNESS AND TO PERMIT ENTRY  
INTO THE UNITED STATES PENDING TESTIMONY**

Defendant, Dzhokhar Tsarnaev, by and through counsel, respectfully request that this Court issue an emergency order directing the U.S. Customs and F.B.I. to permit Said-Selim Iakubov to parole into the United States pending his testimony in the above captioned cause.

On or about April 22, 2015, at the request of counsel for Dzhokhar Tsarnaev, the U.S. Embassy in Moscow, Russia issued Mr. Iakubov a parole letter for entry into the United States for purposes of providing testimony in penalty phase of the above captioned cause. Mr. Iakubov, along with 4 other defense witnesses from Russia, then traveled to Boston, arriving on Thursday, April 23, 2015. However, we have been informed that, for reasons unknown to undersigned counsel, Mr. Iakubov has been denied entry and will be returned to Russia on the next available flight.

The case agent in this prosecution, FBI Special Agent David Donahue, was at the airport with the witnesses, supervising the agents who are controlling them. He referred inquiries from undersigned counsel to Assistant U.S. Attorneys William Weinreb and

Aloke Chakraborty, who did not respond to voicemail messages. Their supervisor did not respond to a voicemail message left on his mobile phone.

We seek a temporary restraining order to prohibit Mr. Iakubov's return to Russia, pending a determination by this Court, and an immediate hearing before this Court.

Respectfully submitted,

/s/ 

David I. Bruck

Judy Clarke

Miriam Conrad

William Fick

Timothy Watkins

**Certificate of Service**

I hereby certify that this document was served on William Weinreb by email on April 23, 2015.

/s/ 